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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/864,171 | 05/25/2001 | Hirokazu Ito | 1506.1008 | 2211 |

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EXAMINER

CHILCOT, RICHARD E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3627

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,171

Applicant(s)ITO ET AL. **Examiner**

Richard E. Chilcot, Jr.

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) 2, 3 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species A, claims 1-3 and 7-10 in the reply filed on July 6, 2004, is acknowledged.

Claims 4-6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 6, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 and 9-10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Teper et al.

Teper et al. teaches a transaction management system comprising :

A pass-through authentication protocol, which allows the registered user to be authenticated by the Online Broker (upon accessing an SP site) while remaining anonymous to the Service Providers and the other entities of the distributed network, a billing system in which the Service Providers send billing events to the Online Broker to allow the broker to generate a centralized bill for each registered user, an online billing viewer, which allows each registered user to view a personal statement of all of the charges accrued through access to the various SP sites, an access rights system in which the access rights of individual users with respect to different SP sites are stored by the Online Broker, and are provided dynamically to the SP sites upon user authentication, a service customization feature in which user-specified customization information (such as the user's system configuration, display preferences, geographic region, etc.), is stored by the Online Broker, and is transmitted to individual SP sites upon user authentication (or upon request by the SP sites) to allow the SP sites to provide services that are customized for individual users, a user log-on procedure which allows a registered user to enter a single password at the beginning of an Internet access session (or upon accessing the first registered SP site), and then access one SP site after another without having to re-enter the password.

Teper et al. also teach the Online Brokering Service may provide an online user

directory of the services of registered Service Providers. This allows users to conveniently determine the identities of the Service Providers that have registered with the Online Brokering Service, and reduces the need for the Service Providers to publicly promote their respective on-services.

In addition, Teper et al teaches prior to using the Online Brokering Service, users and Service

Providers, must register with the Online Broker. This involves the following steps: The user registers with the Online Broker by providing various user information (name, address, phone number, etc.) and payment information (credit card number, purchase order instructions, etc.) to the Broker. The user additionally agrees to a contract, and establishes a personal password that is known only by the user and the Broker. Additionally, the Broker assigns a unique ID that can be mapped to the user only by the Broker, and provides the user with the client software components of the system. The Service Provider registers with the Broker by providing various business and payment information, and by entering into a contract with the Broker. The Broker may investigate the Service Provider prior to accepting the registration. The Broker issues a password to the Service Provider, and provides the Service Provider with the server-side software components of the system. The Service Provider establishes a session with the Online Brokering Service. This session is may be established over the same distributed network (e.g., the Internet) on which the SP services are provided to registered users, or may be established over a separate private network or

communications channel. As described below, the Service Providers and the Online Broker exchange encrypted messages throughout the session for the purposes of authenticating registered users, obtaining and updating user access rights, transferring user customization information to the SP sites, and recording billing events to user accounts maintained by the Online Broker.

Allowable Subject Matter

Claims 2, 3 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


...(1) Cornelius et al., note the account settlement system ; and

...(2) Farhat et al., note a third-party access broker and settlement system for service access (e.g., Internet access, content access, commerce access, or communications access) services that enable a service provider (e.g., an ISP, a wireless service provider, a VPN service provider, a content distribution service provider, an e-commerce service provider or an application service provider) to offer provider independent service access to multiple services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard E. Chilcot, Jr. whose telephone number is 703-305-4716. The examiner can normally be reached on 5/4/9 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard E. Chilcot, Jr.
Primary Examiner
Art Unit 3627